

U.S. Serial No. 10/047,072
Response to Office Action mailed May 19, 2006

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REMARKS

Claims 1-6 and 10-12 are currently pending and stand rejected. New claims 13 and 14 have been added.

Claims 1, 5, 6 and 10 have been amended. Support for the amendments to claims 1 and 5 and for new claims 13 and 14 can be found at specification at page 28, lines 11-18. Support for the amendment to claim 6 can be found in the specification at page 18, lines 29-33 and page 28, lines 11-18. Support for the amendment to claim 10 can be found in the specification at page 16, lines 9-17. No new matter has been added by the amendments.

The Office Action withdrew all previous rejections and objections (see Office Action, page 2, paragraph 1).

Please reconsider the Application in light of the following remarks.

I. Objection to the specification

The specification was objected to for allegedly failing to provide proper antecedent basis for the list of cytokines employed in claim 6 and dependent claim 10 (see paragraph 3 of the Office Action). In order to expedite prosecution, claim 6 has been amended to delete the list of cytokines other than IL-4. Claim 6 is dependent upon claim 5, which specifies that the composition (PBMC conditioned medium, monocyte conditioned medium or SACS) used to mature the immature dendritic cells further comprises GM-CSF. Amended claim 6 now specifies that this composition further comprises human IL-4. Support for culturing immature dendritic cells in the presence of conditioned medium and optionally with cytokines such as GM-CSF and IL-4 is found in the specification at page 18, lines 29-33. Claim 10 has been amended to depend upon claim 1, rather than upon claim 6. Accordingly, the objection to the specification may be properly withdrawn.

II. The Claims Meet the Requirements of 35 U.S.C. § 112, First Paragraph

Claim 6 was rejected under 35 U.S.C. § 112, first paragraph, for allegedly containing new matter (see paragraph 6 of the Office Action). According to the Office Action, the specification does not disclose the use of the cytokines listed in claim 6 for the second step of the method recited in claim 1. As discussed above, claim 6 has been amended to delete cytokines other than IL-4. The second step (b) of claim 1 regards adding peripheral blood mononuclear cell

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conditioned medium, monocyte conditioned medium or fixed *Staphylococcus aureus* Cowan 1 strain (SACS) to the immature dendritic cells produced in step (a) and culturing the cells for a time sufficient for the immature dendritic cells to produce stable mature dendritic cells that express a characteristic of mature dendritic cells. The culture of immature dendritic cells with conditioned medium (as in step (b) above) and optionally with cytokines such as GM-CSF and IL-4 is disclosed at page 18, lines 29-33 of the specification.

Claim 10 was rejected under 35 U.S.C. § 112, first paragraph, for allegedly containing new matter (see paragraph 6 of the Office Action). According to the Office Action, page 16 of the specification discloses the recited range of concentrations of GM-CSF (a concentration of between about 200 U/ml to about 2000 U/ml) as being used in the first step, i.e., the production of immature DCs, and not in the second step. Claim 10 has been amended to depend upon claim 1, which refers to the use of GM-CSF in the first step of the claimed method.

Claims 1-6 and 10-12 were rejected under 35 U.S.C. § 112, first paragraph, for allegedly containing subject matter which was not described in the specification in such a way to show that the inventor, at the time the application was filed, had possession of the claimed invention (see paragraph 7 of the Office Action). According to the Office Action, while the specification discloses generic cytokines (from unknown sources) and the examples disclose human and recombinant cytokines, the method of the claims would encompass the use of cytokines from any source (e.g., baboons to wombats). Claims 1, 5 and 6 have been amended to refer to human cytokines (GM-CSF, IL-4 and IL-13). The remaining claims, 2-4 and 10-12 are dependent upon claim 1, and therefore incorporate the human cytokine limitation. New claims 13 and 14 specify that the human GM-CSF or IL-4 is recombinant human GM-CSF or IL-4.

Applicants submit that all rejections of claims 1-6 and 10-12 under 35 U.S.C. § 112, first paragraph, may be properly withdrawn, and request reconsideration of the claims in light of the above amendments and comments.


CONCLUSION

Applicants respectfully submit that the claims are in condition for allowance. However, if the Examiner believes that any further discussion of this communication would be helpful, he is encouraged to contact the undersigned by telephone.

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No fees are believed to be due in connection with this communication. Should any addition charges be due, please apply them to our Deposit Account No. 50-3187.

Respectfully submitted,


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